

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In re Arcimoto Inc. Securities Litigation

Master File No.: 1:21-cv-02143-BMC

**JOINT STIPULATION AND
[PROPOSED] ORDER PROPOSING
SCHEDULE FOR AN AMENDED
COMPLAINT AND DEFENDANTS'
RESPONSES**

CLASS ACTION

This Document Relates To: All Actions

Lead Plaintiff Tarun Kapoor (“Plaintiff”) and Defendants Arcimoto Inc. (“Arcimoto”), Mark Frohnmayer, and Douglas M. Campoli (“Defendants”), by and through their undersigned counsel, hereby agree and jointly propose this stipulation.

WHEREAS, on April 19, 2021, David Barnette filed a putative class action (“*Barnette Action*”) against Defendants arising under the Securities Exchange Act of 1934 (“Exchange Act”), including the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4, which sets forth special procedures for the administration of securities class actions, including a specific process for the appointment of a lead plaintiff and for lead counsel to represent the lead plaintiff;

WHEREAS, on May 20, 2021, Roger Gibson filed a related putative class action (“*Gibson Action*”) against Defendants arising under the Exchange Act, including the PSLRA;

WHEREAS, on or about June 2, 2021, Barnette served the complaint in the *Barnette Action* on Defendant Arcimoto (Dkt. No. 6);

WHEREAS, on or about June 18, 2021, Defendants each executed waivers of service in the *Barnette Action* (Dkt. Nos. 11-13);

WHEREAS, on July 14, 2021, the Court issued an Order which, among other things, consolidated the *Barnette* and *Gibson* Actions, appointed Tarun Kapoor as Lead Plaintiff, approved The Rosen Law Firm, P.A., Kapoor's choice of counsel, as Lead Counsel, and directed the Parties to propose a schedule for filing a consolidated amended complaint (Dkt. No. 26);

WHEREAS, counsel for Plaintiff and counsel for Defendants have conferred and agreed that in the interests of judicial economy, conservation of time and resources, and orderly management of this Action, the following is an appropriate schedule for the filing of a consolidated amended complaint and Defendants' responses thereto;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants, that:

1. Defendants shall not be required to answer, move to dismiss, or otherwise respond to the complaints previously filed in the *Barnette* and *Gibson* Actions;
2. Plaintiff shall file a consolidated amended complaint ("Amended Complaint") within 60 days of this Stipulation, *i.e.*, by no later than September 20, 2021; and
3. On or before 42 days following the filing of the Amended Complaint, *i.e.*, by no later than November 1, 2021, Defendants shall (A) request a pre-motion conference pursuant to the Court's Individual Practices, Section III(A)(2), with respect to any motion to dismiss the Amended Complaint, or (B) answer or otherwise respond to the Amended Complaint.

Respectfully submitted,

Dated: July 21, 2021

THE ROSEN LAW FIRM, P.A.

By: /s/ Joshua Baker
Phillip Kim
Joshua Baker
275 Madison Avenue, 40th Floor

New York, NY 10016
Telephone: (212) 686-1060
Fax: (212) 202-3827
Email: pkim@rosenlegal.com
Email: jbaker@rosenlegal.com

Dated: July 21, 2021

PERKINS COIE LLP

By: /s/ Matthew Riccardi
Matthew Riccardi
Lee Richards
Jacob Taber
1155 Avenue of the Americas, 22nd Floor
New York, NY 10036
Telephone: (212) 261-6861
Fax: (212) 399-8073
Email: mriccardi@perkinscoie.com
Email: leerichards@perkinscoie.com
Email: jtaber@perkinscoie.com

IT IS SO ORDERED.

HON. BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE

Dated: _____, 2021

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all attorneys of record.

/s/ Joshua Baker
Joshua Baker